

REMARKS

Applicants wish to thank the Examiner for considering the present application. Claims 1-17 are pending in the application. Claims 13-17 are withdrawn from consideration. Claims 1, 9, 18 and 19 are amended. Applicants respectfully request the Examiner for a reconsideration of the rejections.

REJECTION UNDER 35 U.S.C § 102

Claims 1-3, 5-7, and 9-11, 18 and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hendricks et al. (U.S. 6,160,989).

Claims 1 and 9 have again been amended to clarify that the electronic content is broadcast in an excess bandwidth portion of a digital television channel signal. Over-the-air digital channels may not use the entire bandwidth that has been allocated. Therefore, excess bandwidth that would otherwise go unused is used for other electronic content. The excess bandwidth has been slightly clarified to conform to Figure 10. The excess bandwidth was originally set forth in claim 9 but has been clarified in claim 9.

Because the excess bandwidth was originally set forth in claim 9, the arguments for new claims 1 and 9 will focus on the Examiner's argument on page 3 of the Final Office Action with respect to claim 9. The Hendricks reference illustrates a concatenated cable system 210 in Figure 1. While it is true that the concatenated cable system may be replaced by a cellular network as described in Figure 7, there is no teaching or suggestion for an allocated bandwidth having excess bandwidth. The system of claim 1 clearly differentiates that a channel signal has a bandwidth, all of which may not be used. The electronic content is broadcast in the excess bandwidth.

In the Final Office Action, in the paragraph bridging pages 6 and 7, the Examiner states that the Hendricks reference discloses allocated frequency spectrum where the bandwidth has been allocated. The Examiner points to Fig. 3, 216 and column 10, lines 28 through 51. Applicant respectfully submits that after the amendments above, the distinction is clearer. That is, although a number of different signals are illustrated in the circle 216 of Fig. 3, the signals do not correspond to a digital television channel signal. Claim 1 recites receiving digital electronic content from a satellite and inserting the digital electronic content into an excess portion that is allocated to a digital television channel signal. Clearly, the portions of column 10 do not teach this aspect. Again, Applicants believe that claims 1 and 9 have been clarified to make clear that the excess bandwidth is excess from that which has been allocated to a digital television channel.

REJECTION UNDER 35 U.S.C § 103

Claims 4 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. (U.S. 6,160,989).

Claims 4 and 12 are dependent upon independent claims 1 and 9 and are therefore believed to be allowable for the same reasons set forth above.

Claim 8 stands rejected under 35 U.S.C. 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. in view of Owa (U.S. Pat. 6,711,379).

The Owa reference does not teach or suggest the elements missing from claims 1 and 9. Therefore, Applicants respectfully submit that claim 8 is also allowable for the same reasons set forth in claim 1.

CONCLUSION

In light of the remarks above, Applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

Dated: January 29, 2008

By: 
Kevin G. Mierzwa, Reg. No. 38,049
Attorney for Applicants

The DIRECTV Group, Inc.
2230 East Imperial Highway
P.O. Box 956
El Segundo, CA 90245
Telephone: (310) 964-0735
Facsimile: (310) 964-0941